

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ACTUS, LLC

Plaintiff,

v.

BANK OF AMERICA CORP., ET AL.

Defendants.

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CA No. 2:09-cv-102-TJW

**DEFENDANT WAL-MART STORES, INC.'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

COMES NOW Defendant Wal-Mart Stores, Inc. ("Wal-Mart"), without waiving any defenses or any matters that might be presented pursuant to FEDERAL RULE OF CIVIL PROCEDURE 12(b) or any other rule or law, and files this unopposed motion for extension of time in which to answer Plaintiff Actus, LLC's First Amended Complaint and would respectfully show the Court as follows:

Wal-Mart has requested and Plaintiff has agreed to a 21-day extension of Wal-Mart's time to answer Plaintiff's First Amended Complaint in view of the Plaintiff's proposed impending motion to file a Second Amended Complaint which, if the Plaintiff were granted leave to file, would moot the need for Wal-Mart to file an answer to the First Amended Complaint. Specifically, Wal-Mart requests, and Plaintiff does not oppose, an extension of time up to and including August 28, 2009.

A proposed Order granting this unopposed motion is attached hereto.

Respectfully submitted,



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COUNSEL FOR WAL-MART STORES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this the 7TH day of August, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

A handwritten signature in black ink, reading "Michael C. Smith", is written over a horizontal line.

Michael C. Smith